

UNITED STATES DISTRICT COURT
for the

Southern District of West Virginia

Beckley Division



CURTIS W. CARUTHERS
Plaintiff

Case No. 5:22-cv-00286

-v-

RK HOLDINGS, LLP
d.b.a Beckley Rural King
Defendant

Jury Trial: ☒ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff:

Curtis W. Carruthers
12317 Midland Trail West
Crawley, WV 24931-9739
304-667-3527

B. The Defendant(s)

Defendant No. 1

RK HOLDINGS, LLP. d.b.a Beckley Rural King
4216 Dewitt Avenue
Mattoon, IL 61938

II. Basis for Jurisdiction

Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation or a legal entity whose principal office is located in another state and the amount at stake is more than \$75,000 is a diversity of citizenship case.

What is the basis for federal court jurisdiction?

☐ Federal question ☒ Diversity of citizenship

B. The Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff

- a. The plaintiff is an individual
The plaintiff, Curtis W. Caruthers is a citizen of the State of West Virginia .

2. The Defendant(s)

The defendant is an out of state corporation or legal entity.
The defendant, RK Holdings, LLP, is incorporated under the laws of the State of Illinois and has its principal place of business in the State of Illinois .

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at \$1,000,000.00 is at stake—is more than \$75,000, not counting interest and costs of court, because :

III. Statement of Claim

1. On August 1, 2020 the Plaintiff travelled to the Beckley Rural King located at Crossroads Mall in Mount Hope. He was looking to purchase wire panels for his farming operation.

2. He was sent to an area of the store with an employee (John Doe) to retrieve the items

he wanted to purchase. While in the area the employee either negligently and carelessly pulled over or let loose of some heavy panels which were improperly stacked without any warning to the Plaintiff. A large group of heavy gates or panels suddenly and violently fell onto the plaintiff knocking him to a floor.

3. As a direct and proximate result of the negligence of the employee and his actions the Plaintiff suffered among other various and sundry injuries suffered a displaced intertrochanteric fracture of the left femur. He was transported by ambulance to local hospital where he underwent a surgical procedure known as intramedullary nailing surgery to repair the fractured bone and keep it stable.. He also suffered derangement of his left knee and required Orthopedic Treatment and physical therapy. The knee swells and is painful and will for the rest of my life.

4. He has had extreme pain and suffering as a result of this injury. Since he was unable to do any physical labor for a long period of time he had to liquidate his cow herd and farming operation.

His injuries are permanent and he has pain and discomfort on a daily basis.

IV. Relief

Plaintiff is seeking recovery for his permanent injuries, medical bills in excess of forty thousand dollars; loss of enjoyment of life; physical disability both present and future. Loss of revenue from his farm liquidation and taxes incurred as a result of his forced liquidation, future medical expenses and such other damages as may be discovered as a result of his injuries.

V. Certification and Closing


Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my

knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

Done on this the 13th day of July, 2022

Curtis W. Caruthers
Plaitiff

By Counsel



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